



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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April 9, 2020

James Robertson
Star Forge LLC, dba Jorgensen Forge
8531 E Marginal Way S
Tukwila, WA 98108

Order Docket #	18074
Site Location	Jorgensen Forge 8531 E Marginal Way S Tukwila, WA 98108

Re: Administrative Order

Dear James Robertson:

The Department of Ecology (Ecology) has issued the enclosed Administrative Order (Order) requiring Star Forge LLC, aka Jorgensen Forge, to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) – Water Pollution Control.
- Chapter 173-226 Washington Administrative Code (WAC) – Waste Discharge General Permit Program.
- Industrial Stormwater General Permit (ISGP) number WAR003231.

If you have questions please contact Ben Billick at (425) 649-7059 or bbil461@ecy.wa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Rachel McCrea".

Rachel McCrea
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

Enclosure: Administrative Order Docket #18074

Sent by electronic mail.

James Robertson

April 9, 2020

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ecc: Wayne Turk, Jorgensen Forge
Bradley Marten, Marten Law
Ben Billick, Dept. of Ecology
Amy Jankowiak, Dept. of Ecology
Maureen Sanchez, Dept. of Ecology
Katy Harvey, Dept. of Ecology
Drew Imke, Dept. of Ecology
Tamara Cardona-Marek, Dept. of Ecology
Ramen Iyer, Dept. of Ecology
Ron Lavigne, WA State Attorney General's Office
Nels Johnson, WA State Attorney General's Office
John Level, WA State Attorney General's Office
Elly Hale, US EPA Region 10
Brad Martin, US EPA Region 10
Lynn Miranda, City of Tukwila
Russell Betteridge, City of Tukwila
Lauri Dunning, City of Tukwila
Andrew Tsoming, City of Tukwila

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN)	ADMINISTRATIVE ORDER
ADMINISTRATIVE ORDER)	DOCKET #18074
AGAINST)	
Star Forge LLC, aka Jorgensen Forge)	
Mr. James Robertson)	

To: Mr. James Robertson
Star Forge LLC, dba Jorgensen Forge
8531 E Marginal Way S
Tukwila, WA 98108

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- Industrial Stormwater General Permit (ISGP) number WAR003231.

Chapter 90.48.120(2) gives Ecology the authority to issue Administrative Orders requiring compliance whenever it determines that a person has violated Chapter 90.48 RCW.

DETERMINATION OF VIOLATION(s) AND ORDER TO COMPLY

Ecology's determination that a violation/violations has/have occurred is based on the violations listed below.

Violation(s) description:

Jorgensen Forge is covered under Ecology's Industrial Stormwater General Permit (ISGP #WAR003231). This facility discharges stormwater to the Lower Duwamish Waterway superfund site, and is itself a contaminated site undergoing cleanup under the Model Toxics Control Act due to soil and groundwater contamination. Jorgensen Forge filed for bankruptcy in 2016, and was subsequently purchased by Star Forge LLC. ISGP coverage was transferred to Star Forge at that time, however, the company continued to use the name Jorgensen Forge in all NPDES permit-related records. Additionally, on August 2, 2016, Ecology issued Administrative Order (AO) #13624 to Jorgensen Forge to require sampling for additional pollutants beyond the

standard parameters identified in the ISGP. AO #13624 was issued after supplemental monitoring performed by the facility showed the presence PCBs and heavy metals in stormwater runoff. AO #13624 expired on December 31, 2019. In accordance with ISGP Condition G12 – which allows Ecology to establish specific sampling requirements in addition to those contained in the permit by administrative order or permit modification – one purpose of this Order is to reinstate the additional monitoring requirements originally established in AO #13624. Additional requirements in this Order are necessary to address the violations described below, and prevent future discharges of polluting matter to the Lower Duwamish Waterway superfund site.

In 2018, Star Forge announced plans to cease operations at Jorgensen Forge and sell the facility. On July 9, 2019, Ecology Inspector Ben Billick conducted an inspection of the facility with representatives from Jorgensen Forge and their consultant, SoundEarth Strategies. This inspection was conducted in part to discuss the facility's plans for vacating the site, and how those plans could impact NPDES permitting-related requirements. These conversations continued by phone and email in October 2019, and B. Billick was informed that prior to demolishing structures on-site, the interiors of the buildings would be cleaned and areas of exposed soil would be paved in order to prevent exposure of potential pollutant sources to stormwater. No further updates were provided to Ecology's Water Quality Program prior to demolition starting on-site.

On February 12, 2020, SoundEarth Strategies submitted incident report #69509 to Ecology's Environmental Report Tracking System (ERTS). This ERTS provided notification that PCBs were detected in stormwater discharged from Jorgensen Forge to the Duwamish River on January 22, 2020. In a follow-up written report submitted on February 13, 2020, SoundEarth stated that the concentration of total PCBs discharged was 0.059 µg/L. According to Discharge Monitoring Reports (DMRs) submitted by Jorgensen Forge, this incident was the first time that PCBs have been detected in the facility's stormwater discharge since they began conducting quarterly monitoring for PCBs in third quarter 2016. The discharge of PCBs to waters of the state of Washington constitutes a violation of Chapter 90.48.080 Revised Code of Washington (RCW 90.48.080). The sudden detection of PCBs after several years of monitoring is also an indication that conditions on-site have changed in a manner that has negatively affected the quality of the facility's stormwater discharge.

On February 14, 2020, Ecology Inspectors Ben Billick and Evan Dobrowski conducted an inspection at Jorgensen Forge to follow-up on ERTS #69509 and to assess the facility's compliance with the ISGP. During this inspection, Ecology documented twelve violations of the ISGP at Jorgensen Forge, in addition to a violation of RCW 90.48.080 for discharge of PCBs on January 22, 2020. Of particular note during the inspection was Jorgensen Forge's approach to building demolition activities, which had already begun on-site. Roof panels and walls had been removed from several buildings at Jorgensen Forge. This work was done despite the presence of exposed soil in the buildings, which is likely contaminated, and the fact that building interiors were coated in a layer of process waste that designates as a state-only toxic dangerous waste (waste code WT02) under Chapter 173-303 WAC. Waste designation records provided by Star Forge LLC's legal counsel, Marten Law, show the presence of PCBs and heavy metals in the process waste that is inside of the buildings at Jorgensen Forge. By removing roof panels and walls prior to completing cleanup and paving inside the buildings, Star Forge exposed dangerous waste and unstabilized soil (which is likely contaminated) to stormwater, thereby increasing the

potential that these materials will discharge to the Duwamish River in the facility's stormwater runoff. This approach to demolition is also inconsistent with the applicable best management practices (BMPs) from Ecology's Stormwater Management Manual, and is a violation of ISGP condition S3.A.2.

All violations documented during the February 14, 2020, inspection were communicated to Star Forge in a Warning Letter and Inspection Report issued on February 21, 2020. The majority of violations were for failures to implement required stormwater BMPs, and were associated with issues that could result in the discharge of pollutants to the Duwamish River. The violations are summarized below:

- **The discharge of PCBs to the Duwamish River from Jorgensen Forge is a violation of Chapter 90.48.080 RCW**, which states: "It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the determination of the department, as provide for in this chapter."
- **Violation of ISGP condition S3.A.2.a** – Star Forge, at the Jorgensen Forge facility, failed to select and use BMPs that were consistent with, or demonstrably equivalent to, those contained in the 2019 Stormwater Management Manual for Western Washington.
- **Violation of ISGP condition S3.A.3.b** – Star Forge, at the Jorgensen Forge facility, failed to modify the facility Stormwater Pollution Prevention Plan (SWPPP) when there was a change in the operation and maintenance of the facility that significantly changed the nature of pollutants discharged.
- **Violation of ISGP condition S3.A.3.c** – Star Forge, at the Jorgensen Forge facility, failed to update the facility SWPPP to be consistent with the 2020 ISGP by January 30, 2020.
- **Violation of ISGP condition S3.B.4.b.i.2** – Star Forge, at the Jorgensen Forge facility, failed to implement adequate housekeeping BMPs for ongoing maintenance and cleanup of areas containing debris (e.g. paint chips, metal particles, etc.) which may contribute pollutants to stormwater discharge.
- **Violation of ISGP condition S3.B.4.b.i.2.b** – Star Forge, at the Jorgensen Forge facility, failed to identify and control all sources of dust (e.g. WT02 coded process waste dust) to minimize stormwater contamination from the deposition of dust on areas exposed to precipitation.
- **Violation of ISGP condition S3.B.4.b.i.2.d** – Star Forge, at the Jorgensen Forge facility, failed to keep all dumpsters under cover or fit with a storm resistant lid that must remain closed when not in use.
- **Violation of ISGP condition S3.B.4.b.i.3.d** – Star Forge, at the Jorgensen Forge facility, failed to clean up all spills and leaks immediately to prevent the discharge of pollutants.
- **Violation of ISGP condition S3.B.4.b.i.4.a** – Star Forge, at the Jorgensen Forge facility, failed to provide secondary containment for all hazardous substances, petroleum/oil

liquids, and other chemical solid or liquid materials that have the potential to contaminate stormwater.

- **Violation of ISGP condition S3.B.4.b.i.4.b** – Star Forge, at the Jorgensen Forge facility, failed to either prevent precipitation from accumulating in containment areas or implement a plan to manage and dispose of accumulated water if a containment area cover is not practical.
- **Violation of ISGP condition S3.B.4.b.i.4.h** – Star Forge, at the Jorgensen Forge facility, failed to use drip pans and absorbents under or around leaky vehicles and equipment.
- **Violation of ISGP condition S3.B.4.b.ii.2** – Star Forge, at the Jorgensen Forge facility, failed to implement BMPs to minimize exposure of industrial materials and activities, such as cleaning and disposal areas, to precipitation and runoff.
- **Violation of ISGP condition S3.B.4.b.v** – Star Forge, at the Jorgensen Forge facility, failed to implement BMPs necessary to prevent the erosion of soils and other earthen materials, control off-site sedimentation, and prevent violations of water quality standards. Specifically, BMPs for soil stabilization and track out control were not implemented.

As previously noted, many of the violations described above relate to issues that could result in the discharge of pollutants, including pollutants associated with dangerous waste and exposed soil that is likely contaminated, to the Duwamish River. Under the ISGP, Jorgensen Forge does not have water quality sampling requirements or benchmarks for all known constituents of concern on-site, such as PCBs, arsenic, barium, cadmium, chromium, mercury, nickel, selenium, silver, gasoline-range hydrocarbons, and BTEX (listed in Table 1). However, the permit requires compliance with the Water Quality Standards for Surface Waters of the State of Washington. Therefore, this Order establishes additional monitoring requirements and Indicator Levels for Jorgensen Forge. Indicator Levels express a pollutant concentration used as a threshold, below which a pollutant is considered unlikely to cause a water quality violation, and above which it may. Indicator Levels in this Administrative Order were derived from the Toxic Substances Criteria (WAC 173-201A-240), ISGP industry-specific benchmarks, and practical quantitation level.

Corrective actions required:

For these reasons and in accordance RCW 90.48.120(2) it is ordered that Star Forge LLC, aka Jorgensen Forge, take the following actions. These actions are required at the location known as Jorgensen Forge located at 8531 E Marginal Way S, Tukwila. These actions apply to all future stormwater discharges from the Jorgensen Forge facility to surface waters of the State of Washington.

1. Beginning immediately, all stormwater discharged from Jorgensen Forge to surface waters of the State of Washington must be treated using a batch treatment method, rather than flow-through treatment. Stormwater on-site is currently treated using a combination of settling tanks, sand filtration, 10-micron bag filtration, and multi-media filtration and adsorption with granular activated carbon and Siemens SCU metals removal media. Star Forge has proposed to amend the existing treatment through the addition of a chemical flocculent system. To demonstrate that the proposed treatment is effective, and to prevent

future discharges of polluting matter to the Lower Duwamish Waterway superfund site, all future stormwater discharges from Jorgensen Forge to waters of the State of Washington must be treated and discharged as follows:

- a. Stormwater must be retained on-site and sampled prior to discharge. As described in requirement #3 below, stormwater is allowed to be discharged only after the sampling results show that the discharge meets the applicable benchmarks and effluent limits from the ISGP, and the Indicator Levels in Table 1.
 - b. Jorgensen Forge must ensure that the facility has sufficient stormwater storage capacity to retain all stormwater on-site while awaiting sample results. Additional stormwater storage must be immediately obtained if the site's storage capacity is found to be insufficient.
2. Capture, contain, treat, and sample all stormwater prior to discharge to surface waters. Discharge of untreated water or water that has not been confirmed to meet all applicable ISGP benchmarks and effluent limits, and the Indicator Levels from Table 1, from Jorgensen Forge to waters of the state is prohibited. In order to ensure no untreated water discharges to surface waters, Jorgensen Forge shall immediately plug, or take equivalent measures to halt all discharge from, any points of bypass, diversion, and/or overflow from the facility's stormwater conveyance infrastructure and/or stormwater treatment system.
3. All stormwater must be batch sampled and tested for the required ISGP monitoring parameters, and the additional parameters listed in Table 1. If monitoring indicates all parameters are equal to or below the applicable ISGP benchmarks and effluent limits, and the Indicator Levels in Table 1, the water may be discharged to waters of the state. If any of the applicable ISGP benchmarks or effluent limits, or the Indicator Levels listed in Table 1 are exceeded, the water must not be discharged to waters of the state until the water has been treated and retested to determine that all parameters are equal to or below the applicable ISGP benchmarks and effluent limits, and the Indicator Levels in Table 1.
4. Sampling for PCBs, arsenic, barium, cadmium, chromium, mercury, nickel, selenium, silver, gasoline-range hydrocarbons, and BTEX must be reported on the required quarterly Discharge Monitoring Report (DMR). If the measured concentration is below the detection level, then Jorgensen Forge shall report single analytical values below detection as "less than the detection level (DL)" by entering "<" followed by the numeric value of the detection level (e.g. "<0.1"). All other values above DL must be reported as the numeric value.
5. All monitoring data must be prepared by a laboratory registered or accredited under the provisions of Chapter 137-50 WAC, *Accreditation of Environmental Laboratories*.
6. Copies of laboratory reports with analytical data for all stormwater monitoring conducted at Jorgensen Forge must be submitted to Ecology no later than 14 calendar days after the information is received by Star Forge LLC or their consultants. Submit laboratory reports by email to Ecology Inspector Ben Billick (bbil461@ecy.wa.gov).
7. Any discharge to waters of the state in exceedance of applicable ISGP benchmarks or effluent limits, or the contaminant Indicator Levels in Table 1, shall be managed and reported to Ecology as follows:

- a. Immediately notify Ecology of noncompliance by calling the regional 24-hour Environmental Report Tracking System (ERTS) phone number (425) 649-7000.
 - b. Cease the discharge until indicator levels can be met.
 - c. Submit a detailed written report to Ecology within five (5) days, unless requested earlier by Ecology. The written report shall include all required information from ISGP condition S5.F.3 for Noncompliance Notification.
8. Immediately install and maintain sufficient stormwater best management practices to eliminate the exposure of all dangerous waste and/or unstabilized soils inside the footprint of former buildings to rain, snow, snowmelt, and runoff. At a minimum, any dangerous wastes or unstabilized soils inside buildings with potential exposure to precipitation or runoff must be protected with storm resistant coverings and enclosed using containment berms or dikes.
9. Jorgensen Forge must immediately stop the removal of roof panels and walls from buildings that contain exposed soils and/or dangerous wastes that could be mobilized by stormwater, unless one or both of the following conditions are met:
 - a. Prior to removing roof panels and/or walls from any buildings/structures, areas of exposed soil inside those buildings/structures must be paved, and all dangerous wastes and dangerous waste residues that could be mobilized by stormwater must be thoroughly removed from those buildings/structures. This includes decontaminating surfaces that are covered with dangerous waste, such as concrete floors. Use all practical and appropriate methods to remove dangerous waste. These methods could include, but are not limited to, vacuuming, scraping, shoveling and power washing. If washing activities are conducted, all resulting wastewater must be collected, handled, and designated in accordance with applicable regulations, and must be disposed of at an approved facility. Wastewater cannot be discharged to waters of the State of Washington.
And/or...
 - b. The removal of roof panels and walls from buildings containing dangerous waste and/or exposed soils must be conducted during the dry season, between May 1 and September 30. In accordance with ISGP condition S3.A.2, work performed during the dry season must still be conducted using BMPs consistent with the 2019 Stormwater Management Manual for Western Washington, or equivalent.
10. Within 14 calendar days of receipt of this Order, update the Jorgensen Forge Stormwater Pollution Prevention Plan and Sampling Plan as needed to be consistent with the terms of this Order.
11. Comply with all applicable state, federal, and local requirements related to construction, demolition, abatement, remedial action, and clean closure activities at the Jorgensen Forge facility. This Order does not exempt Star Forge or the Jorgensen Forge facility from any other state, federal, or local requirements.

Ecology retains the right to make modifications to this Order through supplemental order, or amendment to this Order, if it appears necessary to further protect the public interest.

This Order does not exempt Star Forge from any Industrial Stormwater General Permit requirements at the Jorgensen Forge facility. In addition to the monitoring parameters in Table 1 below, Star Forge, aka Jorgensen Forge, must conduct batch sampling for all applicable ISGP monitoring parameters, including turbidity, pH, oil sheen, copper, zinc, lead, petroleum hydrocarbons (diesel fraction), and total suspended solids (subject to effluent limit).

Table 1

Pollutant & CAS No. (if available)	Sampling Frequency	Sample Type	Indicator Level, µg/L unless otherwise noted	Required Analytical Protocol	Detection Level, µg/L	Quantitation Level, µg/L
METALS						
Arsenic, Total (7440-38-2)	Batch	Grab	150 ^a	EPA 200.8	0.1	0.5
Barium, Total (7440-39-3)	Batch	Grab	2.0 ^b	EPA 200.8	0.5	2.0
Cadmium, Total (7440-43-9)	Batch	Grab	2.1 ^a	EPA 200.8	0.05	0.25
Chromium, Total (7440-47-3)	Batch	Grab	1.0 ^b	EPA 200.8	0.2	1.0
Mercury, Total (7439-97-6)	Batch	Grab	1.4 ^a	EPA 1631E	0.2 ng/L	0.5 ng/L
Nickel, Total (7440-02-0)	Batch	Grab	74 ^c	EPA 200.8	0.1	0.5
Selenium, Total (7782-49-2)	Batch	Grab	5.0 ^a	EPA 200.8	1.0	1.0
Silver, Total (7440-22-4)	Batch	Grab	3.4 ^a	EPA 200.8	0.04	0.2
PETROLEUM HYDROCARBONS						
Gasoline-Range Hydrocarbons (NWTPH-Gx) ^d	Batch/Weekly	Grab	250 ^b	NWTPH-Gx	250	250
BTEX (benzene, toluene, ethylbenzene and O,M,P xylenes)	Batch/Weekly	Grab	2.0 ^b	EPA SW 846 8021/8260	1.0	2.0
POLYCHLORINATED BIPHENYLS (PCBs)						
PCBs, Total ^e	Batch	Grab	0.016 ^f	8082A (Update V)	0.016 ^f	0.016 ^f
a	Value from industry-specific benchmarks in Table 3 of ISGP.					
b	No applicable surface water criterion; value is laboratory quantitation level.					
c	Acute – Marine Water – Aquatic Life Toxic Substances Criteria (WAC 173-201A-240).					
d	NWTPH-Gx = Northwest Total Petroleum Hydrocarbons-Volatile petroleum products including aviation and automotive gasolines, mineral spirits, Stoddard solvent, and naphtha.					
e	Total PCBs are the sum of all congener or all isomer or homolog or Aroclor analyses.					
f	Value is the Lowest Level of Quantitation (LLOQ) for water samples for PCBs by EPA Method 8082A, Update V.					

FAILURE TO COMPLY WITH THIS ORDER

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. “Date of receipt” is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Ben Billick
Washington State Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452
Phone: (425) 649-7059
Email: bbil461@ecy.wa.gov

MORE INFORMATION

- Pollution Control Hearings Board Website
<http://www.eluho.wa.gov/Board/PCHB>
- Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- Chapter 371-08 WAC – Practice And Procedure
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- Chapter 34.05 RCW – Administrative Procedure Act
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>

- Ecology's Laws, rules, & rulemaking website
<https://ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking>

SIGNATURE



Rachel McCrea
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

Date 4/9/2020